



ALABAMA BOARD OF FUNERAL SERVICE

Meeting Minutes

January 9, 2023

Prior Notice

Prior notice of the quarterly board meeting was posted on the Secretary of State website in April 2022, and the information was distributed to licensees via the quarterly newsletter on December 1, 2022. Mr. Perine welcomed all in attendance to the Alabama Board of Funeral Service second quarterly meeting of fiscal year 2023, at 10:06 a.m. on January 9, 2023 in the Board's office located at 4276 Lomac Street, Montgomery, Alabama.

Oath of Office

Mr. Perine informed all present that as of January 9, 2023, the Governor had not made appointments for the members whose terms expired on December 31, 2022. Mr. Perine stated the current Board members may continue to serve until the Governor and Lieutenant Governor's appointments were made. Mr. Bobby Burt was reappointed to serve as one of the Board's two consumer members. Mr. Perine administered the oath of office to Mr. Bobby Burt. Mr. Perine yielded the floor to Mr. Craddock, Chair.

Roll Call of the Board

Mr. Craddock, Chair, asked Mrs. Grogan for a roll call to establish a quorum. The following members were present: Mark N. Craddock, Lance Brooks, J. Douglas Williams, John C. Rudder, Byronda Collins, Rachel Arrington, Ed Hines, and Bobby Burt.

Staff present; Charles Perine, Executive Director, and E. Denise Grogan, Associate Executive Director, recording, Brenton Smith, Legal Counsel.

The following members were absent: None

Vacant: District Two

Welcome/Remarks by the Chair

With a quorum established, Mr. Craddock called to order the second quarterly business meeting of fiscal year 2023. Mr. Craddock welcomed all present.

Conflict of Interest

Mr. Craddock requested that the board members review the agenda for the January 9, 2023 meeting. Mr. Craddock asked if any member had a conflict of interest for any items on the agenda, being none, Mr. Williams made a motion, seconded by Ms. Collins to set the agenda as presented. Being no discussion, the motion passed unanimously.

Business

Approval of Minutes

Mr. Rudder moved to approve the minutes of the October 4, 2022 Board meeting, seconded by Mr. Burt. Being no discussion, the motion passed unanimously.

Old Business

Board Website

Mr. Perine stated that the Board's new website was operational, and it was a great improvement since the last update in 2008. The website is now more user friendly, and the staff has the capabilities to update and make changes without going thru OIT.

Johnny Lawler v. Charles Perine et AL

Mr. Perine stated Mr. Lawler's lawsuit alleged that the Board stole his establishment application fee. Mr. Perine stated Mr. Lawler's application remained deficient, but Mr. Lawler on multiple occasions was provided instructions on how to get his establishment open or request a refund. The Board deposits all funds with the Alabama State Treasury and a completed W-9 is required by the state in order to process a refund. Mr. Lawler did not complete the application process and has not provided a W-9 requesting a refund. Mr. Smith, Legal Counsel, stated the Judge dismissed the suit because the Board and staff are immune to lawsuits in the conduct of official duties and Mr. Lawler's time to appeal had expired.

Approval of Licenses

Applicants having met all qualifications for licensure:

Having passed the state law exam, and having met the passing criteria of the International Conference under the new testing format, Mr. Perine requested to dispense with the reading of the applicant's names and that the individuals listed be considered for approval based on having met the qualifications for licensure in the State of Alabama in accordance with Title 34 Chapter 13 of the *Code of Alabama, 1975* and Administrative Code 395, and be approved for license as a funeral director, and/or embalmer, and/or cremationist. Applicants for licensure: Dexter Gamble, Raechelle McCoy, Bonita Beck, Ronnie Macks, Kelly Robertson, Jeremy Rembert, Tommy Fuller, Paul Kemp, Joseph Brewer, Trent Lewis, Nicholas Odom, Silas Baldwin, Audrey Montgomery, Cynthia Gunn, Andrew Smith, Regan Moreland, Gary Hicks, Jonathan Norris, Duana Shears, Trent Lewis. The motion was made by Mr. Williams and seconded by Mr. Brooks. Being no discussion, the motion passed unanimously.

Permanent Funeral Director and Embalmer License Reactivation:

Having met the requirements of the law for reactivation, paid all back fees and penalties, Mr. Perine asked the Board to consider Christopher Jakes, David Pugh, Mario McDaniel, Jeremy Scruggs, Misti Bass, Gina Goodsell, and Melden Owens, for reactivation of permanent license as funeral director and embalmer. The motion was made by Mr. Brooks and seconded by Mr. Williams. Being no discussion, the motion passed unanimously.

Permanent Funeral Director, Embalmer and Cremationist License Reactivation:

Having met the requirements of the law for reactivation, paid all back fees and penalties, Mr. Perine asked the Board to consider Vincent Dooley for reactivation of permanent license as funeral director, embalmer and cremationist. The motion was made by Mr. Williams and seconded by Ms. Arrington. Being no discussion, the motion passed unanimously.

Permanent Funeral Director License Reactivation:

Having met the requirements of the law for reactivation, paid all back fees and penalties, Mr. Perine asked the Board to consider Amber Gilbert, Khadijah Boyd, Amy Steltenpohl, and Marty Steltenpohl, for

reactivation of permanent license as funeral director. The motion was made by Mr. Burt and seconded by Mr. Williams. Being no discussion, the motion passed unanimously.

Apprentice Funeral Director Reactivation:

Having met the requirements of the law for reactivation, paid all back fees and penalties, Mr. Perine asked the Board to consider Kenderius Boggan, and Charles Glass for reactivation of apprentice funeral director certification. The motion was made by Mr. Williams and seconded by Mr. Hines. Being no discussion, the motion passed unanimously.

Apprentice Funeral Director and Apprentice Embalmer Reactivation:

Having met the requirements of the law for reactivation, paid all back fees and penalties, Mr. Perine asked the Board to consider Jayda Raney for reactivation of apprentice funeral director and apprentice embalmer certification. The motion was made by Ms. Arrington and seconded by Ms. Collins. Being no discussion, the motion passed unanimously.

Establishment Applications:

Mr. Perine asked the Board to consider the following establishments for licensure:

Christian Memorial Funeral Home (tabled 10-4-2022)(New)(Phenix City)

Cornerstone Funeral Services & Cremations (FH only, Crematory pending completion)(New)(Birmingham),

Gates of Heaven DBA Metropolitan Funeral Directors (New)(Mobile).

The motion was made by Mr. Burt and seconded by Mr. Hines. Being no discussion, the motion passed unanimously.

Executive Director Financial Report

Mr. Perine reported the following for the 1st quarter of fiscal year 2023 as of January 1, 2023.

Total Budget: \$683,566.61

Total Qtr. Revenue (October-December): \$110,425.90

Total Qtr. Expenses (October-December): \$167,019.73

Deferred Revenue transferred to 0369: \$1,009.20

Total Deferred Revenue: \$0.00

Total Cash on Hand: \$1,685,550.61

Property Acquisition Fund - 1785

Total Qtr. Revenue (October-December): \$36,987.33

Total Qtr. Expenses (October-December): \$00.00

Total Cash on Hand: \$36,987.33

Active License Count as of January 1, 2023

Active Apprentice Funeral Directors: 295

Active Apprentice Embalmers: 174

Active Licensed Funeral Directors: 1463

Active Licensed Embalmers: 818

Active Licensed Cremationists: 290

Active Licensed Practical Embalmers: 40

Active Special Work Permit Funeral Director: 1

1st Qtr. Licenses Issued

Background checks YTD: 59

Applications received: 104

Licenses Issued: 107

Active Special Work Permit Embalmer: 1
 No Action Taken: 1
 Active Special Work Permit Cremationist: 0
 Active Licensed Mortuary Service: 2
 Active Licensed Establishments: 480
 Active Continuing Education Providers: 35
 Total Active License: 3599

1st Qtr. Complaints Received: 6
Resolutions
 Reprimand: 6
 Pending: 6

Inspections YTD

Completed: 4
 Compliant: 1
 Non-compliant: 3
 Citations: (15) \$2,700.00

Violation
Method of IDENTIFICATION as required by 395-X-6-.07?
Does Identification have required information?
Does the establishment have a Funeral Coach or Hearse for Transporting Human Remains?
Is the Funeral Coach or Hearse properly licensed?
Are there 8 full size different sized caskets on the premises?
Are price cards displayed on each casket as merchandised?

Alabama Exam Stats (October 17, 2022-December 19, 2022)

Alabama Exams administered:

Funeral Director: 11	Embalmer: 5
Pass: 10	Pass: 4
Fail: 1	No Show: 1
Average Score: 82.18	Average Score: 81.4

State Law Exams administered: 18

Funeral Director/Embalmer: 17	Cremationist: 1
Pass: 11	Pass: 1
Fail: 6	Fail: 0

Being no discussion, Mr. Williams made a motion and seconded by Mr. Brooks to accept the Executive Director's report. The motion passed unanimously.

Consent Agreements

Mr. Perine informed the Board of the following consent agreements that were entered into between October 1, 2022 and January 1, 2023.

Case Number	Violation	Penalty
ABFS21-0004	1. Knowingly received payment for preneed contracts without having a valid certificate of authority in violation of Alabama Code § 34-13-56(c)(2)(ff).	<ul style="list-style-type: none"> MFD and FH licenses revoked – stayed for two years Fined \$20,000.00

	<ol style="list-style-type: none"> 2. Violated a statute “affecting ... the sale of funeral services”—namely, Alabama Code § 27-17A-22(a)(1), which prohibits the sale of pre-need funerals without a certification of authority, and which was enacted as a provision of the Preneed Funeral and Cemetery Act—in violation of Alabama Code § 34-13-56(c)(2)(cc). 3. On six occasions committed fraud or misrepresentation in obtaining a license by falsely attesting on establishment renewal applications submitted between 2013 and 2020 that Funeral Home did not sell pre-needs—in violation of Alabama Code § 34-13-56(c)(2)(n). 4. Violated a statute “affecting ... the sale of funeral services”—namely, Alabama Code § 27-17A-15(e), which requires that any person examined by the Alabama Department of Insurance in connection with the writing of preneed contracts “shall pay” the expenses incurred, and which was enacted as a provision of the Preneed Funeral and Cemetery Act—in violation of Alabama Code § 34-13-56(c)(2)(cc). 	
<p>ABFS22-0020</p>	<ol style="list-style-type: none"> 1. FD committed fraud by accepting payments from individuals and failing to deposit the funds with FH for pre-need funeral arrangements in violation of Alabama Code § 34-13-56(c)(2)(a). 2. FD demonstrated dishonest or improper dealing by accepting payment from consumers in exchange for merchandise and services purportedly to be provided by FH without FH’s knowledge of the transaction in violation of Alabama Code § 34-13-56(c)(2)(dd). 3. Unlicensed embalming was performed at FH in violation of Alabama Code § 34-13-56.1(a)(2). 4. FD failed to provide a written explanation within a specific time relating to a matter contained in a complaint filed with the board in violation of Alabama Code § 34-13-56(c)(2)(v), (y). 	<ul style="list-style-type: none"> •Fined \$10,000.00 •FD’s license expired by failing to renew, agrees not apply for reactivation of FD license for 10 years •2-year probation MEMB, FD licenses

	<ol style="list-style-type: none"> 5. MEM aided and abetted unlicensed embalming at FH in violation of Alabama Code § 34-13-56(c)(2)(i). 6. MEM failed to be in full charge, control, and supervision of all activities involving the preparation room and embalming at FH, in violation of Alabama Code §§ 34-13-1(a)(30); 34-13-112(c). 	
ABFS22-0027	<ol style="list-style-type: none"> 1. FH & FD accepted funds for the preneed contract of consumer without a certificate of authority to sell preneed contracts, in violation of Ala. Code § 34-13-56(c)(2)(ff). 2. FD violated a statute “affecting ... the sale of funeral services”—namely the Preneed Funeral & Cemetery Act Code of Alabama, <i>see</i> Ala. Code § 27-17A-10—by accepting funds for preneed contracts without a certificate of authority, in violation of Ala. Code § 34-13-56(c)(2)(cc). 	<ul style="list-style-type: none"> • FD Fined \$5,000.00 • 2-year probation FD
ABFS22-0035	<ol style="list-style-type: none"> 1. FD & FH failed to give full cooperation to a representative of the board by providing false information in an attempt to prevent entrance to the establishment for the purpose of inspection, in violation of Alabama Code § 34-13-56(c)(2)(t). 2. FD acted in bad faith and in a dishonest manner by falsely stating they were not at FH to allow entrance for the purpose of inspecting the establishment, in violation of Alabama Code § 34-13-56(c)(2)(dd). 	<ul style="list-style-type: none"> • FD & FH Fined \$5,000.00 • 2-year probation FD & FH
ABFS23-0037	<ol style="list-style-type: none"> 1. MFD & FH violated Alabama Code § 34-13-56(c)(2)(i) by aiding and abetting unlicensed individual in performing the activities and duties of a funeral director without being licensed by the Board in violation of Alabama Code § 34-13-56.1(a). 2. MFD & FH violated Alabama Code §§ 34-13-112(c) and 34-13-56(c)(2)(l) by allowing unlicensed individual to engage in the practice of a funeral director without being licensed by the Board in violation of Alabama Code §34-13-56.1(a). 	<ul style="list-style-type: none"> • MFD & FH Fined \$5,000.00 • Unlicensed Individual Fined \$500.00 • 2-year probation MFD & FH

	<ul style="list-style-type: none"> Unlicensed individual engaged in the practice of a funeral director without being licensed by the Board, in violation of Alabama Code §34-13-56.1(a)(2). 	
ABFS23-0002	<ol style="list-style-type: none"> FH does not own a crematory and failed to include the disclaimer "This establishment does not own a crematory." in a clear and conspicuous manner after being notified of the requirement on three occasions, in violation of Alabama Code §§ 34-13-56(c)(2)(l) and 34-13-110(c)(1) and (2). FH omitted a required disclaimer on a billboard advertisement located on a Highway at mile marker 59 in County, Alabama, in violation of Alabama Code §§ 34-13-56(c)(2)(b) and (dd). FH violated the terms of their probation imposed by the final order in case ABFS [REDACTED] by committing violations in Count I and Count II, in violation of Alabama Code §§ 34-13-56(c)(2)(l). 	<ul style="list-style-type: none"> Fined \$4,500.00 Correct all advertisements and printed material to include the disclaimer in a clear and conspicuous manner: "This establishment does not own a crematory" FH license suspended for 60 days stayed for two years

The motion was made by Mr. Williams, seconded by Mr. Brooks. Being no discussion, the motion passed unanimously.

Continuing Education

Mrs. Grogan presented for the Board's approval, two new providers: Educare Collective and MKJ Marketing. Mrs. Grogan also presented for the Board's approval a list of 33 courses consisting of available to licensees. The motion was made by Mr. Williams and seconded by Mr. Rudder to approve the providers and courses as presented. Being no discussion, the motion passed unanimously.

Mrs. Grogan presented the Board with a course application that had questionable content regarding celebrants. The Board had previously denied all courses containing topics related to celebrants. The motion was made by Mr. Williams and seconded by Mr. Rudder to deny the application for questionable content. Being no discussion, the motion passed unanimously.

Executive Session

Mr. Perine stated there was no business that required executive session at this time.

Election of Officers

Mr. Perine stated with no new appointments, election of new officers would be needed to continue to conduct business and issue licenses for the coming year. Mr. Perine declared all previous offices of the Board for chair, vice-chair, treasurer, and secretary vacant due to the expiration of terms.

Mr. Perine opened the floor for nominations for the office of Chair. Ms. Arrington nominated Mr. J. Douglas Williams, seconded by Mr. Brooks. Mr. Perine asked the Question: Mr. J. Douglas Williams for the position of Chair?

Vote:

Yea votes: Mr. Craddock, Mr. Brooks, Mr. Rudder, Ms. Collins, Ms. Arrington, Mr. Burt, and Mr. Hines

Nay votes: None

Abstain: None

Vacant: District Two

The motion passed unanimously.

Mr. Perine yielded the chair to Mr. Williams, who opened the floor for nominations for Vice-Chair. Mr. Craddock nominated Ms. Rachel Arrington, seconded by Mr. Brooks. Mr. Williams asked the Question: Ms. Rachel Arrington for the position of Vice-Chair?

Vote:

Yea votes: Mr. Craddock, Mr. Brooks, Mr. Williams, Mr. Rudder, Ms. Collins, Mr. Burt, and Mr. Hines

Nay votes: None

Abstain: None

Vacant: District Two

The motion passed unanimously.

Mr. Williams opened the nominations for Treasure. Mr. Craddock nominated Mr. Lance Brooks, seconded by Ms. Arrington. Mr. Williams asked the Question: Mr. Lance Brooks for position of Treasure?

Vote:

Yea votes: Mr. Craddock, Ms. Collins, Mr. Williams, Mr. Rudder, Ms. Arrington, Mr. Burt, and Mr. Hines

Nay votes: None

Abstain: None

Vacant: District Two

The motion passed unanimously.

Mr. Williams opened the nominations for Secretary. Mr. Brooks nominated Ms. Byronda Collins, seconded by Ms. Arrington. Mr. Williams asked the Question: Ms. Byronda Collins for the position of Secretary?

Vote:

Yea votes: Mr. Craddock, Mr. Brooks, Mr. Rudder, Mr. Williams, Ms. Arrington, Mr. Burt, and Mr. Hines

Nay votes: None

Abstain: None

Vacant: District Two

The motion passed unanimously.

Investigative Committee

Mr. Perine reminded the Board that currently the investigative committee is made up of one Board member, Mrs. Grogan, Mr. Perine, and legal counsel. Following investigation by Mrs. Grogan it is presented to the committee to determine the course of action be it a consent agreement or hearing, etc. The remaining Board members in the past have given authority to the one Board member to represent them on the committee so only one Board member has knowledge if it goes to a hearing. If the complaint goes to a hearing the Board member on the committee would recuse themselves because of prior

knowledge. Mr. Perine stated the Chair has previously served as the Board member on the investigative committee and asked the will of the Board who should serve. Mr. Williams made a motion, seconded by Ms. Arrington to allow the Chair to continue to serve on the investigative committee. Being no discussion, the motion passed unanimously.

Board Meetings

Mr. Perine stated February 6, 2023 was being held for a possible administrative hearing. A consent agreement has been offered with a response required by February 16, 2023. If accepted, there would not be an administrative hearing on February 6, 2023. Mr. Perine requested that the next quarterly Board meeting be scheduled for April 4, 2023 with the remaining meeting dates determined following the appointments of the new members. Mr. Craddock made a motion, seconded by Mr. Brooks. Being no discussion, the motion passed unanimously.

Adjournment

Mr. Perine expressed appreciation to Mr. Craddock, Mr. Rudder, and Mr. Hines for their service to the Board and presented them with certificates service. Following comments from Mr. Craddock, Mr. Ruder, and Mr. Hines, Mr. Williams asked if there were any questions from the participants, being no questions or other business, he asked for a motion to adjourn. Mr. Rudder made a motion, seconded by Mr. Craddock to adjourn the meeting at 11:08 a.m., and reconvene on April 4, 2022 at 10:00 a.m. The motion passed unanimously.

Minutes submitted by: E. Denise Grogan.

J. Douglas Williams, Chair

Charles M. Perine, Executive Director